

HOUSE BILL No. 4710

June 7, 2017, Introduced by Reps. Ellison, Chang, Green, Hammoud and Wittenberg and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 5o (MCL 28.425o), as amended by 2015 PA 206.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5o. (1) Subject to subsection (5), an individual licensed
2 under this act to carry a concealed pistol, or who is exempt from
3 licensure under section ~~12a(1)(h)~~, **12A(H)**, shall not carry a
4 concealed pistol on the premises of any of the following:

1 (a) A school or school property except that a parent or legal
2 guardian of a student of the school is not precluded from carrying
3 a concealed pistol while in a vehicle on school property, if he or
4 she is dropping the student off at the school or picking up the
5 student from the school. As used in this section, "school" and
6 "school property" mean those terms as defined in section 237a of
7 the Michigan penal code, 1931 PA 328, MCL 750.237a.

8 (b) A public or private child care center or day care center,
9 public or private child caring institution, or public or private
10 child placing agency.

11 (c) A sports arena or stadium.

12 (d) A bar or tavern licensed under the Michigan liquor control
13 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
14 primary source of income of the business is the sale of alcoholic
15 liquor by the glass and consumed on the premises. This subdivision
16 does not apply to an owner or employee of the business. The
17 Michigan liquor control commission shall develop and make available
18 to holders of licenses under the Michigan liquor control code of
19 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
20 stating that "This establishment prohibits patrons from carrying
21 concealed weapons". The owner or operator of an establishment
22 licensed under the Michigan liquor control code of 1998, 1998 PA
23 58, MCL 436.1101 to 436.2303, may post the sign developed under
24 this subdivision.

25 (e) Any property or facility owned or operated by a church,
26 synagogue, mosque, temple, or other place of worship, unless the
27 presiding official or officials of the church, synagogue, mosque,

1 temple, or other place of worship permit the carrying of concealed
2 pistol on that property or facility.

3 (f) An entertainment facility with a seating capacity of 2,500
4 or more individuals that the individual knows or should know has a
5 seating capacity of 2,500 or more individuals or that has a sign
6 above each public entrance stating in letters not less than 1-inch
7 high a seating capacity of 2,500 or more individuals.

8 (g) A hospital.

9 (h) A dormitory or classroom of a community college, college,
10 or university.

11 (2) Subject to subsection (5), an individual shall not carry a
12 portable device that uses electro-muscular disruption technology on
13 any of the premises described in subsection (1).

14 (3) An individual licensed under this act to carry a concealed
15 pistol, or who is exempt from licensure under section ~~12a(1)(h)~~,
16 **12A(H)**, shall not carry a concealed pistol in violation of R
17 432.1212 or a successor rule of the Michigan administrative code
18 promulgated under the Michigan gaming control and revenue act, 1996
19 IL 1, MCL 432.201 to 432.226.

20 (4) As used in subsection (1), "premises" does not include
21 parking areas of the places identified under subsection (1).

22 (5) Subsections (1) and (2) do not apply to any of the
23 following:

24 (a) An individual licensed under this act who is a retired
25 police officer, retired law enforcement officer, or retired federal
26 law enforcement officer.

27 (b) An individual who is licensed under this act and who is

1 employed or contracted by an entity described under subsection (1)
2 to provide security services and is required by his or her employer
3 or the terms of a contract to carry a concealed firearm on the
4 premises of the employing or contracting entity.

5 (c) An individual who is licensed as a private investigator or
6 private detective under the professional investigator licensure
7 act, 1965 PA 285, MCL 338.821 to 338.851.

8 (d) An individual who is licensed under this act and who is a
9 corrections officer of a county sheriff's department or who is
10 licensed under this act and is a retired corrections officer of a
11 county sheriff's department, if that individual has received county
12 sheriff approved weapons training.

13 (e) An individual who is licensed under this act and who is a
14 motor carrier officer or capitol security officer of the department
15 of state police.

16 (f) An individual who is licensed under this act and who is a
17 member of a sheriff's posse.

18 (g) An individual who is licensed under this act and who is an
19 auxiliary officer or reserve officer of a police or sheriff's
20 department.

21 (h) An individual who is licensed under this act and who is
22 any of the following:

23 (i) A parole, probation, or corrections officer, or absconder
24 recovery unit member, of the department of corrections, if that
25 individual has obtained a Michigan department of corrections
26 weapons permit.

27 (ii) A retired parole, probation, or corrections officer, or

1 retired absconder recovery unit member, of the department of
2 corrections, if that individual has obtained a Michigan department
3 of corrections weapons permit.

4 (i) A state court judge or state court retired judge who is
5 licensed under this act.

6 (j) An individual who is licensed under this act and who is a
7 court officer.

8 (6) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7), THE
9 GOVERNING BODY, OWNER, OR CONTROLLING PARTY OF THE PREMISES
10 DESCRIBED IN SUBSECTION (1) MAY PROHIBIT AN INDIVIDUAL FROM OPENLY
11 DISPLAYING OR OPENLY CARRYING A FIREARM ON THE PREMISES LISTED IN
12 SUBSECTION (1) (A) TO (H). IF THE GOVERNING BODY, OWNER, OR
13 CONTROLLING PARTY OF THE PREMISES DESCRIBED UNDER SUBSECTION (1)
14 ELECTS TO PROHIBIT THE OPEN DISPLAY OR OPEN CARRY OF FIREARMS UNDER
15 THIS SUBSECTION AND THE PREMISES ARE NOT PRIVATE PROPERTY, THE
16 GOVERNING BODY, OWNER, OR CONTROLLING PARTY OF THE PREMISES SHALL
17 POST APPROPRIATE SIGNAGE STATING THAT "OPENLY CARRYING OR OPENLY
18 DISPLAYING A FIREARM ON THESE PREMISES IS PROHIBITED IN ACCORDANCE
19 WITH STATE LAW. VIOLATORS WILL BE PROSECUTED IN ACCORDANCE WITH
20 STATE LAW."

21 (7) SUBSECTION (6) DOES NOT APPLY TO ANY OF THE FOLLOWING:

22 (A) A PEACE OFFICER.

23 (B) AN INDIVIDUAL WHO OWNS, IS EMPLOYED BY, OR IS CONTRACTED
24 BY AN ENTITY DESCRIBED IN SUBSECTION (1) (A) TO (H) IF THE
25 POSSESSION OF THAT FIREARM IS TO PROVIDE SECURITY SERVICES FOR THAT
26 ENTITY.

27 (C) AN INDIVIDUAL WHO POSSESSES A FIREARM ON THE PREMISES OF

1 AN ENTITY DESCRIBED IN SUBSECTION (1) (A) TO (H) IF THAT POSSESSION
2 IS WITH THE PERMISSION OF THE OWNER, GOVERNING BODY, OR CONTROLLING
3 PARTY OF THAT ENTITY.

4 (8) ~~(6)~~—An individual who violates this section is responsible
5 for a state civil infraction or guilty of a crime as follows:

6 (a) Except as provided in subdivisions (b) and (c), the
7 individual is responsible for a state civil infraction and may be
8 fined not more than \$500.00. The court shall order the individual's
9 license to carry a concealed pistol suspended for 6 months.

10 (b) For a second violation, the individual is guilty of a
11 misdemeanor punishable by a fine of not more than \$1,000.00. The
12 court shall order the individual's license to carry a concealed
13 pistol revoked.

14 (c) For a third or subsequent violation, the individual is
15 guilty of a felony punishable by imprisonment for not more than 4
16 years or a fine of not more than \$5,000.00, or both. The court
17 shall order the individual's license to carry a concealed pistol
18 revoked.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.